

ADR PRACTITIONER ACTIVITY REPORT



Mark as shown: [] [X] [] [] [] Please use a ball-point pen or a thin felt tip. This form will be processed automatically.
Correction: [] [] [X] [] [] Black out the wrong answer and put an X in the correct box.

1. About Today: If you conduct more than one case today, you only have to complete this side once. However, please clip all pages together.

1.1 Today's date, courthouse, room number for ADR session if applicable:

[Empty text box for date, courthouse, room number]

1.2 Docket: [] a.m. [] p.m.

1.3 Total number of cases referred today: [] 0 [] 1 [] 2 [] 3 [] 4 [] 5

1.4 ADR practitioner name and ID#:

[Empty text box for practitioner name and ID#]

1.5 Full hours donated today (including travel time). Please note partial hours in the next question: [] 0 [] 1 [] 2 [] 3 [] 4 [] 5 [] 6 [] 7 [] 8

1.6 Partial hours donated today (including travel time). Please round up to the quarter hour: [] .25 [] .5 [] .75 [] RPD

1.7 If applicable, ADR practitioner #2 name and ID#:

[Empty text box for practitioner #2 name and ID#]

1.8 If applicable, practitioner #2 full hours donated today (including travel time). Please note partial hours in the next question: [] 0 [] 1 [] 2 [] 3 [] 4 [] 5 [] 6 [] 7 [] 8

1.9 If applicable, practitioner #2 partial hours donated today (including travel time), please round up to the quarter hour: [] .25 [] .5 [] .75 [] RPD

1.10 If you are mediating for a Day of Trial mediation partner, indicate the name of that entity:

[Empty text box for mediation partner name]

1.11 If applicable, today, the second practitioner is an Apprentice completing: [] 1st observation [] 2nd observation [] 3rd observation

1.12 If applicable, the ADR practitioner is being reviewed for the: [] 1st time [] 2nd time [] 3rd time

1.13 If applicable, ADR practitioner #3 name and ID#:

[Empty text box for practitioner #3 name and ID#]

1.14 If applicable, practitioner #3 full hours donated today (including travel time). Please note partial hours in the next question: [] 0 [] 1 [] 2 [] 3 [] 4 [] 5 [] 6 [] 7 [] 8

1.15 If applicable, practitioner #3 partial hours donated today (including travel time), please round up to the quarter hour: [] .25 [] .5 [] .75 [] RPD

1.16 If applicable, today, the third practitioner is an Apprentice completing: [] 1st observation [] 2nd observation [] 3rd observation

1.17 If applicable, ADR practitioner #4 name and ID#:

[Empty text box for practitioner #4 name and ID#]

1.18 If applicable, practitioner #4 full hours donated today (including travel time). Please note partial hours in the next question: [] 0 [] 1 [] 2 [] 3 [] 4 [] 5 [] 6 [] 7 [] 8

1.19 If applicable, practitioner #4 partial hours donated today (including travel time), please round up to the quarter hour: [] .25 [] .5 [] .75 [] RPD

1.20 If applicable, today, the fourth practitioner is an Apprentice completing: [] 1st observation [] 2nd observation [] 3rd observation

Please complete side two for each case.



2. About this Case: Complete this side for **each** case you get today.

- 2.1 Of the cases referred today, **this case** is the:
- | | | |
|---------------------------------|---------------------------------|--------------------------------|
| <input type="checkbox"/> First | <input type="checkbox"/> Second | <input type="checkbox"/> Third |
| <input type="checkbox"/> Fourth | <input type="checkbox"/> Fifth | <input type="checkbox"/> Sixth |
- 2.2 This case was sent to me by (mark only **one**):
- | | | |
|---|---|---|
| <input type="checkbox"/> Direct referral from judge | <input type="checkbox"/> Judge asked for volunteers | <input type="checkbox"/> Courtroom clerk referral |
| <input type="checkbox"/> Bailiff/sheriff referral | <input type="checkbox"/> Party's request | <input type="checkbox"/> Attorney's request |
| <input type="checkbox"/> Other | | |

2.3 Case number:

2.4 Case name (ex. Plaintiff v. Defendant):

- 2.5 Counsel represented:
- | | | |
|--|--|--|
| <input type="checkbox"/> Neither party | <input type="checkbox"/> Plaintiff(s) only | <input type="checkbox"/> Defendant(s) only |
| <input type="checkbox"/> All parties | <input type="checkbox"/> Other | |

- 2.6 Amount in controversy (mark "n/a" for Peace Order/Replevin/Tenant Holding Over only)
- | | | |
|---|---|--|
| <input type="checkbox"/> N/A | <input type="checkbox"/> \$1 to \$5,000 | <input type="checkbox"/> \$5,001 to \$10,000 |
| <input type="checkbox"/> \$10,001 to \$20,000 | <input type="checkbox"/> \$20,001 to \$30,000 | |

- 2.7 What was the ADR outcome? (mark only one)
- | | | |
|---|--|---|
| <input type="checkbox"/> After I explained the ADR process, participant(s) or their attorney(s) chose to return to the courtroom. | <input type="checkbox"/> The judge asked us to return to the courtroom before we finished. | <input type="checkbox"/> No settlement after trying the process |
|---|--|---|

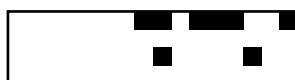
- | | | |
|--|---|---|
| <input type="checkbox"/> Full settlement | <input type="checkbox"/> Partial settlement | <input type="checkbox"/> Screened out (P.O. only) |
|--|---|---|

- 2.8 Full hours spent on **this** case. Please note partial hours in the next question:
- | | | |
|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

- 2.9 Partial hours spent on **this** case. Please round up to the quarter hour:
- | | | |
|------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> .25 | <input type="checkbox"/> .5 | <input type="checkbox"/> .75 |
|------------------------------|-----------------------------|------------------------------|

- 2.10 For this case, I practiced (mark **all** that apply):
- | | | |
|---|---|--|
| <input type="checkbox"/> Settlement conference | <input type="checkbox"/> Solo mediation, facilitative | <input type="checkbox"/> Solo mediation, inclusive |
| <input type="checkbox"/> Solo mediation, transformative | <input type="checkbox"/> Co-mediation, facilitative | <input type="checkbox"/> Co-mediation, inclusive |
| <input type="checkbox"/> Co-mediation, transformative | <input type="checkbox"/> Other | |

2.11 Comments about anything that happened today (without breaking confidentiality):



CONFIDENTIAL ADR PARTICIPANT SURVEY



Mark as shown: Please use a ball-point pen or a thin felt tip. This form will be processed automatically.
 Correction: Black out the wrong answer and put an X in the correct box.

To improve our program, these results may be shared with the alternative dispute resolution (ADR) practitioner in the future; however, your name will remain confidential. Thank you for your feedback.

1. Background Questions

1.1 Trial date: _____ Case #: _____

1.2 ADR practitioner name and ID #: _____ If applicable, name and ID # of second ADR practitioner: _____

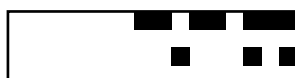
2. Please evaluate the ADR practitioner and process. Mark *one* response for each statement.

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree	N/A
2.1 The ADR process was clearly explained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2 I had enough time to say what I wanted to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3 The ADR practitioner understood what I said I needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4 To help us check survey quality, mark N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5 The ADR practitioner helped me think about different ways to resolve our issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6 I felt heard by the other participant(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 I understand the other participants' views better now than I did before the session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.8 We discussed all issues that brought us here.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.9 The ADR practitioner did not favor any party.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.10 I felt pressured by the ADR practitioner to reach an agreement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.11 The ADR practitioner was a good listener.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.12 The ADR practitioner helped clarify issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.13 The ADR practitioner was respectful to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.14 The ADR practitioner told me what I should agree to.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.15 If the ADR practitioner met with me/my side separately (caucus), it was helpful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.16 If an agreement was reached, it met my needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.17 If an agreement was written, I understood it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.18 The ADR practitioner helped me consider whether the agreement was realistic for me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.19 I would suggest this ADR process to others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.20 I am glad ADR services are available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.21 Overall, I was satisfied with this ADR session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. General Questions

- 3.1 How did you hear about ADR? (Mark *all* that apply.)
 Word of mouth Family/friend Judge
 Lawyer Info from court District Court web site
 Video in court Other
- 3.2 This court uses two ADR processes to see if an agreement can be reached before trial. The session today was: (Mark one)
 Mediation Settlement Conference Not Sure
- 3.3 I am the: Plaintiff Defendant Other

Please complete side two of this form.



3. General Questions [Continue]

3.4 Who suggested the possible solutions? (Mark all that apply.)

- I did
- The other side(s)
- The ADR practitioner
- The lawyers
- No solutions were suggested

3.5 We: (Mark all that apply.)

- Did *not* agree on any issues
- Agreed on *some* issues
- Agreed on *all* issues
- Agreed to continue for another session

3.6 Do you think this case went to ADR:

- Too early
- Right time
- Too late
- Don't know

3.7 The ADR practitioner told me what outcome(s) might occur if my case went to trial.

- Yes
- No
- Not sure

3.8 The ADR practitioner:

- Ended the session too soon
- Allowed the right amount of time
- Made the session too long

3.9 I came to this session because: (Mark all that apply.)

- My choice
- Judge recommended
- Judge ordered
- My attorney recommended
- Other

3.10 I would use this ADR process again:

- Yes
- No
- Not Sure

3.11 Please tell us why you checked Yes, No, or Not Sure.

3.12 What else would you like to tell us about your experience?

3.13 I would like to help the program improve, so I agree to be contacted to discuss my ADR experience. I understand that all of my case information and any discussions that occurred in the ADR process will remain confidential, even if I agree to be contacted.

- Yes
- No

3.14 If yes, please print your name and tell us when (day/evening) and how (phone #/email) to contact you.

4. Please provide the following information VOLUNTARILY. It is used for statistical purposes only.

4.1 Gender:

- Female
- Male

4.2 Age:

- 19 and under
- 20-29
- 30-39
- 40-49
- 50-59
- 60+

4.3 Mark all that apply:

- Hispanic/Latino
- American Indian/Alaskan Native
- Asian
- Black/African American
- Native Hawaiian/Pacific Islander
- White

4.4 Education (highest level achieved):

- 1-8th grade
- High school/ GED
- 2-year college degree/ professional certificate

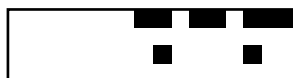
4.5 Household income:

- 4-year degree
- Graduate degree
- Up to \$14,999
- \$15,000-\$24,999
- \$25,000-\$34,999
- \$35,000-\$49,999
- \$50,000-\$74,999
- \$75,000-\$99,999
- \$100,000-\$149,999
- \$150,000-\$199,999
- \$200,000+

4.6 Military status:

- Active military
- Military veteran
- N/A

4.7 Zip code:



CONFIDENTIAL ADR ATTORNEY SURVEY



Mark as shown: Please use a ball-point pen or a thin felt tip. This form will be processed automatically.
 Correction: Black out the wrong answer and put an X in the correct box.

To improve our program, these results may be shared with the alternative dispute resolution (ADR) practitioner in the future; however, your name will remain confidential. Thank you for your feedback.

1. Questions

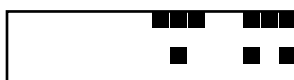
1.1 Trial date:

1.2 Case #:

1.3 ADR practitioner name or ID#:

If applicable, name or ID# of second ADR practitioner:

		Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1.4	The ADR practitioner was attentive to my comments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	The ADR practitioner helped clarify issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6	The ADR practitioner maintained appropriate control over the session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7	The ADR practitioner pressured the parties to reach an agreement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.8	I was satisfied with the pace of the session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.9	The ADR practitioner advocated for a specific outcome.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.10	The ADR practitioner allowed the parties to develop their own outcome.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.11	Overall, I was satisfied with this ADR session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.12	Overall, I was satisfied with the skills of the ADR practitioner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.13	Overall, I was satisfied with the professionalism of the ADR practitioner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.14	In approximately how many disputes, before this one, have you participated in a mediation :	<input type="checkbox"/> 0 <input type="checkbox"/> 26-50	<input type="checkbox"/> 1-10 <input type="checkbox"/> 51-100		<input type="checkbox"/> 11-25 <input type="checkbox"/> 101+	
1.15	In approximately how many disputes, before this one, have you participated in a settlement conference :	<input type="checkbox"/> 0 <input type="checkbox"/> 51-75	<input type="checkbox"/> 1-25 <input type="checkbox"/> 76-100		<input type="checkbox"/> 26-50 <input type="checkbox"/> 101+	
1.16	Today's session seemed like:	<input type="checkbox"/> Mediation	<input type="checkbox"/> Settlement conference		<input type="checkbox"/> Not sure	
1.17	Was discovery requested in this case?	<input type="checkbox"/> No <input type="checkbox"/> Yes, and has concluded	<input type="checkbox"/> Yes, but not started <input type="checkbox"/> N/A		<input type="checkbox"/> Yes, and is ongoing	
1.18	Do you think this case went to an ADR process:	<input type="checkbox"/> Too early <input type="checkbox"/> Don't know	<input type="checkbox"/> Right time		<input type="checkbox"/> Too late	
1.19	Did the ADR practitioner need substantive knowledge related to the issues in this case?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		<input type="checkbox"/> Not sure	
1.20	Was ADR appropriate to resolve the issues of this case?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		<input type="checkbox"/> Not sure	
1.21	If no, what process would have been appropriate, and why?	<input type="text"/>				



1. Questions [Continue]

1.22 The parties: (Mark *all* that apply.)

- Did *not* agree on any issues
- Agreed to continue for another session
- Agreed on *some* issues
- Agreed on *all* issues

1.23 If this case was not completely resolved, **please mark all reasons** why you believe the case **was not** resolved:

- My client wanted his/her day in court.
- The other side was unwilling to compromise.
- My client refused to make a settlement proposal.
- There was not enough time to continue the process to a conclusion.
- N/A
- The other side wanted his/her day in court.
- Opposing counsel was not prepared.
- The other side refused to make a settlement proposal.
- Opposing counsel was not willing to compromise.
- My client was unwilling to compromise.
- The ADR practitioner made it difficult to settle.
- Continuing the ADR process was too expensive.
- I was not willing to compromise.

1.24 Other reason(s) not specified above:

1.25 If your case **was** completely resolved, did the final agreement include a clause to return to ADR if a problem arises?

- Yes
- No
- N/A

1.26 Would you recommend this ADR process to other clients involved in a similar dispute?

- Never
- Sometimes
- Always

1.27 Why:

1.28 Did you encourage or discourage your client from participating in the current ADR process?

- Encourage
- Discourage
- Neither

1.29 Why:

1.30 I am the attorney for:

- Plaintiff
- Defendant
- Third party defendant
- Counter plaintiff
- Counter defendant

1.31 Who suggested the possible solutions? (Mark all that apply)

- My client
- I did
- The other side(s)
- No solutions were suggested
- The ADR practitioner

1.32 Any additional comments or suggestions:

1.33 **I would like to help the program improve, so I agree to be contacted to discuss my ADR experience.** I understand that all of my case information and any discussions that occurred in the ADR process will remain confidential, even if I agree to be contacted.

- Yes
- No

1.34 If yes, please print your name and tell us when (day/evening) and how (phone #/email) to contact you.



CASE NUMBER: _____



TRIAL DATE: _____

ADR Practitioner ID #: _____

**DISTRICT COURT OF MARYLAND
AGREEMENT TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION**

PLAINTIFF(S): _____

DEFENDANT(S): _____

We, the undersigned, understand and agree to the following:

1. **DEFINITION OF ALTERNATIVE DISPUTE RESOLUTION**: A process in which a neutral Alternative Dispute Resolution Practitioner, (from this point on known as ADR Practitioner) assists parties to find a solution for their dispute.
2. **VOLUNTARY**: Alternative Dispute Resolution is voluntary. The parties or the ADR Practitioners may decide to stop the session at any time for any reason.
3. **ROLE OF THE ADR PRACTITIONER(S)**: The ADR Practitioner(s) is not a judge and does not decide who is right or wrong. The ADR Practitioner helps parties talk with each other, identify and clarify issues and explore potential solutions. In an Alternative Dispute Resolution session, the parties decide the outcome. The process is conducted in a fair and neutral manner.
4. **CONFIDENTIALITY**: With some exceptions, anything that is said or done during this ADR session will be held in confidence by the ADR practitioner and any neutral observer present at the practitioner's request. The exceptions to confidentiality are: a) evidence of child or elder abuse; b) an act or credible threat of violence; c) anything relevant to a complaint against the ADR practitioner or the District Court of Maryland.
5. **CONFLICTS OF INTEREST**: The ADR Practitioner(s) will disclose all actual and potential conflicts of interest known to them, if any. After any such disclosure, the ADR Practitioner shall decline to participate unless all parties waive the conflict(s) and choose to retain the ADR Practitioner.
6. **LEGAL ADVICE**: The ADR Practitioner(s) are neutrals who will NOT offer legal representation, legal advice, or legal services. The parties may consult with their lawyer at any time.
7. **ROLE OF THE PARTIES**: The parties will participate in good faith and will treat each other with respect and courtesy. The parties have authority to resolve this matter and will disclose all information relevant to the issues being discussed.
8. **AGREEMENT**: All terms of a settlement agreement will be committed to paper and each party will receive a copy of the agreement. The written agreement may be read onto the court record and will be placed in the court file.
Any settlement agreement that results from this ADR session is not confidential unless the parties agree in writing that it shall be confidential.
9. **WAIVER**: The parties agree to hold harmless the District Court of Maryland, the ADR Practitioner, and any observers.

I HEREBY CONSENT VOLUNTARILY TO ALTERNATIVE DISPUTE RESOLUTION:

Plaintiff's Signature_____
Date_____
Defendant's Signature_____
Date_____
Plaintiff's Attorney's Signature_____
Date_____
Defendant's Attorney's Signature_____
Date

DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

MEDIATOR OPENING STATEMENT CHECKLIST*

Introduction: Your Name. Volunteer Mediator with the District Court.

Distribute a *laminated* Agreement to Participate in ADR Form to each person in the room.
Remind the participants that we will sign only one carbonless original.
Everyone will get a copy of the signed form.

Participant Introductions and Opening the Session:

- Names. Ask participants (and attorneys, if present) how they would like to be addressed.
- Identify each person's role in the dispute.
- Confirm all have authority to settle.
- Find out if there are any missing participants. (It may be okay to proceed if a party is missing, however an absent party may not be obligated to do something in any agreement reached.)
- Do not proceed if an interpreter was requested and is not present. (Friends or family members may not serve as interpreters.)

Reviewing the Agreement to Participate in Alternative Dispute Resolution Form:

1. Definition of Alternative Dispute Resolution

“Mediation is a form of alternative dispute resolution. ADR means trying to resolve your case without having the judge make the decision.”

2. Voluntary

“Mediation is a voluntary process. After I go through this explanation, if anybody doesn't want to participate, you will all go back into the courtroom, and after we start anyone may end this process at anytime, including me, the mediator.”

3. Role of the ADR Practitioner

“My role in this process is to assist you, the parties, in having a conversation. The process might include identifying issues and possible solutions. I won't decide who's right or wrong. I won't make decisions or suggestions, and I won't give legal advice. Ultimately, you will decide if you're going to reach an agreement and what that agreement is going to be. My role is to make sure this process is conducted in a fair and neutral way. Participating in this session does not affect your right to a fair trial if you don't reach an agreement.”

- I (the mediator) will not take one side or the other.

4. Confidentiality (please also read from Exceptions to Confidentiality - Information Sheet)

“This is a confidential process. What that really means is that I won't go in and tell the judge anything that's happened here, and you won't ask me to. (Same thing for any observers in the room.) There are three exceptions to confidentiality. If there's any evidence of child or elder abuse, I may be required to report it. If there is an act or credible threat of violence, I may report that. Or, if you allege that I did something wrong in conducting this process, then I'm allowed to defend myself. Any questions about confidentiality and what it means to this process?”

- Other professions may require additional disclosures. It is critical that you inform the participants of all of your required disclosures during your opening.*

**DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE**

MEDIATOR OPENING STATEMENT CHECKLIST*

5. Conflict of Interest

“What that means is does anybody think that they know me, or have any reason to believe I know the other side?”

- If potential or actual conflicts exist, disclosing the conflict and asking the participants to waive the conflict is permissible.

6. Legal Advice

“As I mentioned before, I’m neutral in this process and I don’t represent anybody, and I won’t provide any legal advice. If you have an attorney, we can take a break so that you can talk to your attorney.”

7. Role of the Parties

“Your role is to try to have the conversation in a way that you think will be helpful to reaching an agreement that meets your needs. And, again I just want to make sure that all of you have authority to settle.”

- Invite participants to take their own notes.

8. Agreement

“If you reach an agreement, I will write up the agreement using your words and you will each get a copy. If you reach an agreement, the judge may confirm that this is what you want, and read the agreement into the record. If you reach an agreement, that agreement is not confidential unless there is a reason for it to be.”

9. Waiver

“You all agree to hold me and the District Court harmless, but that really shouldn’t be an issue since everything that happens here is completely voluntary.”

Participant Survey Form:

- Inform the participants that they will be invited to complete a Participant Survey Form at the end of the session.

“Lastly, you see these yellow sheets? These are our feedback forms. At the end of the session, whether or not you reach agreement, I’m going to ask that each of you complete these forms. I’m going to ask you to be completely honest. You’re not going to hurt my feelings if you write anything bad about me. Collecting this information helps us make the program better going forward. It will only take a few minutes, and I thank you in advance.”

Ask if any questions and address concerns.

Everyone present (including the mediator) must sign and date the agreement to participate and the confidentiality in mediation addendum. Return the white copy to the courtroom. Distribute the pink and yellow copies between the plaintiff and defendant. Mediator may ask everyone to sign multiple originals of the Addendum or may ask the courtroom clerk or bailiff to make copies of the original for participants after the mediation.

**Your opening statement may vary slightly depending on your mediation framework: facilitative, inclusive (community mediation), or transformative.*



DISTRICT COURT OF MARYLAND

ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

AGREEMENT WRITING CHECKLIST

ADR Practitioner: To ensure that the document is a valid record of the participants' agreement, we offer the following guidance with respect to agreement writing. Please make sure the following basic points are covered during the agreement-writing phase.

1. Best Practices:

- ★ Commit all elements of the agreement to writing
- ★ Use the participant's words; not your own
- ★ Number each sentence
- ★ Identify mutually agreed upon terms
- ★ Use plain language – No legal jargon
- ★ One sentence = One paragraph

2. Include Specific Terms:

- a. **Why** are the participants agreeing to these terms?
“To settle case #123-4567, the participants voluntarily agree to....”
- b. **Who** are the participants?
Write out the full names of the Plaintiff(s) and Defendant(s). Simply writing “plaintiff” and “defendant” may result in mistakes or misunderstandings.
- c. **What** is each party agreeing to?
Avoid statements that refer to some uncertain future activity.
Be clear and specific about terms, and refrain from using non-specific words such as “soon” and “reasonable.” For example, “Defendant agrees to personally deliver the payment by July 15, 2013.”
Be specific about the form of payment (i.e., cash, check, cashier's check, money order, etc.).
Write out exact dollar amounts. For example, “...agrees to pay \$250.00 (two hundred fifty dollars)...”
- d. **When** will the participants perform what they agreed to?
“Defendant agrees to pay \$100.00 (one hundred dollars) every Monday, starting July 1, 2013 until the amount of \$1,000.00 (one thousand dollars) is paid in full.”
- e. **Where** will performance of the agreement terms be conducted?
Indicate the exact address where payment will be delivered or performance will be rendered.

3. Case disposition:

What do the participants want to happen with their current case?
Use the participant's own words. Some examples:

- a. End the case (dismiss) with no continuing obligations on either party.
- b. End the case (dismiss) only if and after each party has completed the obligations included in the settlement agreement, with the ability to come back to court if that does not happen.



DISTRICT COURT OF MARYLAND
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AGREEMENT WRITING CHECKLIST

4. Review and Reality Test:

Check in to make sure you have included all points of the agreement reached by the participants.
Ask the participants if they can satisfy the terms of the agreement.

5. Completing the Agreement:

Read the agreement to the participants and make changes as requested. Participants should initial any changes.

If the agreement is more than one page, all participants initial each page, and sign and date the last page. Include “page 1 of # pages,” at the bottom of the first page, and continue in similar manner until the end of the agreement (if applicable).

Participants always sign and date the document on the last page of the agreement.

The ADR Practitioner does NOT sign the agreement.

Cross out all blank lined areas on a page. For example, “XXXXX.”

6. Form Distribution:

Return the **white copy** of the Settlement Agreement form **to the courtroom.**

Distribute the **pink and yellow copies** of the form **to the Plaintiff and Defendant.**

Make additional copies as needed so all participants get a copy.



**DAY OF TRIAL ADR VOLUNTEER
CHECK-IN FORM**

Date: _____

ADR Volunteer Name(s) _____

Available to Conduct (please circle one): Mediation / Co-Mediation / Settlement Conference

Thank you in advance for identifying me and making a few comments about mediation or settlement conferences (all comments below are applicable regardless of ADR process):

- ▶ This process is **voluntary** in that you end it if and when you want.
- ▶ It is **confidential** in that the judge will not hear what was said in that session except that if you reach an agreement, that agreement will likely be made part of the court file.
- ▶ This is a way to resolve the case on your own terms.
- ▶ A skilled mediator or settlement conference attorney will facilitate the conversation.
- ▶ You will be able to say all you want to say during the session.
- ▶ You will get your trial if you don't resolve your case in the session.

**ATTENTION COURTROOM CLERK or BAILIFF:
PLEASE PROVIDE THE JUDGE WITH THIS FORM WHEN THE DOCKET BEGINS.**

*Please contact Gretchen Kainz, Regional ADR Programs Director,
at 240-361-8683 with any questions or concerns*



**DAY OF TRIAL ADR VOLUNTEER
CHECK-IN FORM**

Date: _____

ADR Volunteer Name(s) _____

Available to Conduct (please circle one): Mediation / Co-Mediation / Settlement Conference

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*Please contact Kate Quinn, Regional ADR Programs Director, at 240-328-3960 or
the District Court ADR Office with any questions or concerns at 410-260-1676.*



DISTRICT COURT OF MARYLAND

ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

251 Rowe Boulevard, Suite 307, Annapolis, Maryland, 21401 ☆ 410-260-1676 or Toll-Free 1-866-940-1729

Observation Policy for Panel Mediators

I. Post-Apprentice Process Mediator Observations

A. Day of Trial Mediation Observation – Panel Mediators who wish to observe other Mediators on the roster may only observe a Lead Mediator, and only after having completed the Apprentice Process.

1. Panel Mediators shall request the opportunity to observe a Lead Mediator on the roster. This request should be made via e-mail directly to the Regional ADR Programs Director.
2. Lead Mediators will be notified that a Panel Mediator has requested the opportunity to observe.
3. Once the request is approved, the observing mediator will contact the Director of ADR Roster Management to get scheduled to observe the Lead Mediator.
4. As with any session, the Lead Mediator(s) and any observers shall sign the Agreement to Participate in ADR form.
5. The observing Mediator shall add their name to the green ADR Practitioner Activity Report as having observed.
6. The observing Mediator may elect whether or not to complete the Mediator Observation Form.

B. Peace Order Mediator Observation – Panel Mediators, recruited by the ADR Office or the CMC to be on the Peace Order Mediator Roster, may observe a Peace Order Panel Mediator prior to joining the Peace Order Mediator Roster. Panel Mediators may use the observation opportunity to decide if they want to join the Peace Order Mediator Panel, or not. This observation is not in lieu of Apprentice Process observations.

1. Panel Mediators shall request the opportunity to observe a Lead Peace Order Mediator on the roster. This request should be made via e-mail directly to the Regional ADR Programs Director.
2. Lead Peace Order Mediators will be notified that a Panel Mediator has requested the opportunity to observe.
3. Once the request is approved, the observing mediator will contact the Director of ADR Roster Management to get scheduled to observe the Lead Peace Order Mediator.
4. As with any session, the Lead Peace Order Mediator(s) and any observers shall sign the Agreement to Participate in ADR form.
5. The observing Mediator shall add their name to the green ADR Practitioner Activity Report as having observed.
6. The observing Mediator may elect whether or not to complete the Mediator Observation Form.

SELF AWARENESS JOURNALING TEMPLATE

Journaling can be a tool used to extend the practitioner's systematic approach to becoming a reflective practitioner. It can also lead to the learning of new skills and help break customary patterns. It is a good practice to reflect after every session or at the end of the mediation. Documenting one's reflections can become a personal resource manual to refer to throughout one's practice. This journal outline can be modified to suit the framework under which you mediate.

I. MEDIATION Session Information:

What was the subject matter of the mediation?

What issues were identified by the participants at the outset?

Did any additional issues develop later during the session?

How many participants were involved in the mediation?

Where any of the participants represented by attorneys in the mediation? If so, which ones?

Where any other support people present during the mediation?

If others were present, how involved were they in the conversation? Did that work well?

What was the mediation venue/program? (court, private, community, MCHR, etc.)

How long was the session?

How did the session end? (Agreement? Full? Partial?)

Who ended the session?

What Mediation Style/Model/Approach/Framework was used?

Was the model best suited for this type of mediation?

Did any Ethical Issues arise before, during or after the mediation? If so, what were they?

Did I caucus? What prompted the caucus? Was it successful or useful? Could I have kept the participants together and achieved a similar or otherwise successful result?

At any point did participants reach an impasse? What was my reaction? What tool(s) did I use to try to overcome the impasse? Was it successful?

What tools and techniques did I use during mediation?

Did I ask open ended questions?

Did I reflect? (Accurately?)

Did I reframe? (Accurately?)

Did we brainstorm? (Long enough?) (No idea rejected outright?)

II. BASIC REFLECTIONS

The one thing or strategy that went well was....

The one thing that I would have done differently was....

Did the mediation encourage or cause me to think about:

Party empowerment?

Self-determination?

Voluntariness?

Neutrality / Impartiality?

Was confidentiality a concern during the mediation?

Did I assist both participants to share information and/or emotions?

Did my choices for interventions (or no interventions) help or hinder the process?

Did my approach have an affect on tensions or emotions or progress?

Did my strategy lead to creative problem solving?

Was this experience similar or different from my prior mediations?

Did I learn about a new worldview other than my own? If so, did this worldview influence my ability to mediate?

CRITICAL REFLECTIONS

How did the mediation tenor affect my interpretation of the issues?

Did I make any judgements or assessments during the mediation?

Were my judgments or assessments accurate? Were they helpful or harmful to the process?

Did I use inappropriate past lessons to frame the issues and or solutions during the mediation?

What other ways could I interpret my emotions from the mediation?

Did I make suggestions for how to resolve the issues? If so, why did I make the suggestions? How were they received?

Were any of my suggestions or questions misinterpreted?

HOW TO DEBRIEF YOUR MEDIATION SESSION EFFECTIVELY

*** Debriefing a mediation is one of the most important techniques you can master as an ADR practitioner. Debriefing effectively can lead to a better understanding of why you mediate the way you do and what you can work on for future mediations. It also enables you, the mediator, and your co-mediator (if you have one) to establish what you did well and should continue doing as an ADR practitioner. We've come up with a list of questions that you can use during the 4 step debrief process we discussed at today's workshop. Enjoy!*

Experience

- 1) Looking back at the mediation you just finished, what is your initial reaction, in one word or phrase? It could be thumbs up or down, good, bad, sort of good, one of the best I've ever done, etc...
- 2) Describe the session from the conflict/mediation point of view, without getting overly involved in the facts and circumstances. Describe the tone, actions, and reactions of the participants. Were the participants awkward, emotional, distant, overbearing, and dependent on the attorney or supporter in the room?
- 3) What was something that made a large impact on the parties? Did anything change during the mediation?
- 4) What were you personally thinking during the mediation session? Were you fully present or did you check out at some point? Did the participants disturb you in any way?
- 5) Did you notice patterns of communication style between you and your other co-mediator or the participants?
- 6) In dealing with impasse, did you feel the need to (if given more time in your role play) take a break or conduct a caucus?
- 7) Did you take notes? If so, why or why not? (Did your notes help you to reflect, summarize, etc.?)

Reflection

- 1) If you saw a change during the mediation session, what do you think prompted that particular change? Was it a comment, summary, reflection, or other intervention by the mediator? Something said by one or both of the participants?
- 2) If you deem that it was indeed a technique that brought about the change, look closely as to what was happening at that time and the perceived effect of the mediator intervention.
- 3) How were the needs and interests of the participants brought out?

- 4) Describe a time in the mediation where you felt unsure of what to do next? How did you end up deciding what you should do next?
- 5) Did you have any prior knowledge of the details of this conflict? If so, how did you keep your neutrality during the mediation session?
- 6) Was remaining a neutral third party difficult for you? If so, why? If not, why not? Think back to your personal reactions to the participants. Did your reaction affect your neutrality, or your neutrality as perceived by the participants?
- 7) Did you reflect the body language of the participants? If not, why? If so, what did you notice?
- 8) Were you mindful of your own body language? (eye sweep, head nodding, leaning in or sitting too close to one of the participants, etc.) What would you have done differently, if anything?
- 9) If you were not fully present at some point, or the participants disturbed you in any way, did you do anything about that, and, if so, what? Was it helpful?
- 10) Do you think the parties needed a break or did you need a break?

Learning

- 1) What worked well, what didn't work so well? Why?
- 2) How do you think the participants viewed the mediator?
- 3) Was debriefing this mediation session difficult for you? Have other debriefs been difficult as well? Why do you think they have been difficult?
- 4) If you had to change something you did in the mediation, what would you change and why?
- 5) What process or steps/techniques did you use to ensure the participants felt like they were being heard?
- 6) What process or steps/techniques would you want to include if you had to do this mediation session over again?
- 7) Could you articulate a reason for using a certain technique or intervention during the mediation? Can you connect what you did with an ethical guideline and/or with your philosophy of mediation?

Application

- 1) If you had to change something you did in the mediation, what would you change and why?
- 2) What things can you apply immediately to your work? To future mediations?
- 3) What things might need more work? What is your plan for working on these particular things?
- 4) Are you willing to try new things and/or take a risk during your next mediation? Why or why not?